

(b) The terms "property", "money", or "valuable considerations" used in section 420a of this title shall not be deemed to include wages paid by a bona fide employer to a bona fide employee.

(c) The term "trade or commerce", as used in section 420a of this title, is defined to mean trade or commerce between any States, with foreign nations, in the District of Columbia, in any Territory of the United States, between any such Territory or the District of Columbia and any State or other Territory, and all other trade or commerce over which the United States has constitutional jurisdiction. (June 18, 1934, ch. 569, § 1, 3, 48 Stat. 979, 980.)

§ 420c. Same; prosecutions.

Prosecutions under sections 420a-420e of this title shall be commenced only upon the express direction of the Attorney General of the United States. (June 18, 1934, ch. 569, § 4, 48 Stat. 980.)

§ 420d. Same; jurisdiction of offenses.

Any person charged with violating section 420a of this title may be prosecuted in any district in which any part of the offense has been committed by him or by his actual associates participating with him in the offense or by his fellow conspirators: *Provided*, That no court of the United States shall construe or apply any of the provisions of sections 420a-420e of this title in such manner as to impair, diminish, or in any manner affect the rights of bona fide labor organizations in lawfully carrying out the legitimate objects thereof, as such rights are expressed in existing statutes of the United States. (June 18, 1934, ch. 569, § 6, 48 Stat. 980.)

§ 420e. Same; separability clause.

If any provisions of sections 420a-420d of this title or the application thereof to any person or circumstance is held invalid, the remainder of said sections and the application of such provision to other persons or circumstances shall not be affected thereby. (June 18, 1934, ch. 569, § 5, 48 Stat. 980.)

## Chapter 10.—SLAVE TRADE AND PEONAGE

Sec.

- 421. Confining, detaining, or selling slaves on vessel.
- 422. Seizing slaves on foreign shores.
- 423. Bringing slaves into United States.
- 424. Equipping vessels for slave trade.
- 425. Transporting persons to be held as slaves.
- 426. Hovering on coast with slaves on board.
- 427. Serving on vessels in slave trade.
- 428. Receiving or carrying away person to be sold or held as slave.
- 429. Equipping vessel for slave trade; forfeiture; moiety to informer.
- 430. Same; penalty; moiety to informer.
- 431. Forfeiture of vessels transporting slaves; moiety to informer.
- 432. Receiving persons on board to be sold as slaves; penalty; moiety to informer.
- 433. Vessels found hovering on coasts forfeited.
- 434. Forfeiture of interest in slave vessels; additional penalty.
- 435. Seizure of vessels in slave trade.
- 436. Proceeds of condemned vessels paid into Treasury.
- 437. Disposal of persons found on seized vessel.
- 438. Apprehension of officers and crew.
- 439. Removal of persons delivered from seized vessel.
- 440. To what port captured vessel sent.

Sec.

- 441. When owners of foreign vessels shall give bond.
- 442. Instructions to masters of armed vessels.
- 443. Kidnaping.
- 444. Holding or returning persons to peonage.
- 445. Same; obstructing enforcement of law.
- 446. Bringing kidnaped person into United States.

§ 421. (Criminal Code, section 246.) Confining, detaining, or selling slaves on vessel.

Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen of the United States, forcibly confines or detains on board such vessel any person as a slave, or, on board such vessel, offers or attempts to sell as a slave any such person, or on the high seas or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from on board such vessel any person with intent to make sale of, or having previously sold such person as a slave, is a pirate, and shall be imprisoned for life. (Mar. 4, 1909, ch. 321, § 246, 35 Stat. 1138.)

DERIVATION

R. S. § 5375, which was revised from acts May 15, 1820, ch. 113, 3 Stat. 601; Jan. 15, 1897, ch. 29, § 2, 29 Stat. 487, which were repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 422. (Criminal Code, section 247.) Seizing slaves on foreign shores.

Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and, on any foreign shore, seizes any person with intent to make such person a slave, or decoys, or forcibly brings, or carries or receives such person on board such vessel, with like intent, is a pirate, and shall be imprisoned for life. (Mar. 4, 1909, ch. 321, § 247, 35 Stat. 1139.)

DERIVATION

R. S. § 5376, which was revised from acts May 15, 1820, ch. 113, 3 Stat. 600; Jan. 15, 1897, ch. 29, § 2, 29 Stat. 487, which were repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 423. (Criminal Code, section 248.) Bringing slaves into United States.

Whoever brings within the jurisdiction of the United States, in any manner whatsoever, any person from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any person so brought in, as a slave, or to be held to service or labor, shall be fined not more than \$10,000, one-half to the use of the United States and the other half to the use of the party who prosecutes the indictment to effect; and, moreover, shall be imprisoned not more than seven years. (Mar. 4, 1909, ch. 321, § 248, 35 Stat. 1139.)

DERIVATION

R. S. § 5377, which was revised from act Apr. 20, 1818, ch. 91, 3 Stat. 452 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 424. (Criminal Code, section 249.) Equipping vessels for slave trade.**

Whoever builds, fits out, equips, loads, or otherwise prepares or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever within such jurisdiction, for the purpose of procuring any person from any foreign kingdom or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined not more than \$5,000, one-half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect; and shall, moreover, be imprisoned not more than seven years. (Mar. 4, 1909, ch. 321, § 249, 35 Stat. 1139.)

DERIVATION

R. S. § 5378, which was revised from act Apr. 20, 1818, ch. 91, 3 Stat. 451 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 425. (Criminal Code, section 250.) Transporting persons to be held as slaves.**

Whoever, within the jurisdiction of the United States, takes on board, receives, or transports from any foreign kingdom or country, or from sea, any person in any vessel for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in section 424 of this title. (Mar. 4, 1909, ch. 321, § 250, 35 Stat. 1139.)

DERIVATION

R. S. § 5379, which was revised from act Apr. 20, 1818, ch. 91, 3 Stat. 451 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 426. (Criminal Code, section 251.) Hovering on coast with slaves on board.**

Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas within the jurisdiction of the United States, or hovering on the coast thereof, having on board any person for the purpose of selling such person as a slave, or with intent to land such person for any such purpose, shall be fined not more than \$10,000 and imprisoned not more than four years. (Mar. 4, 1909, ch. 321, § 251, 35 Stat. 1139.)

DERIVATION

R. S. § 5380, which was revised from act Mar. 2, 1807, ch. 22, 2 Stat. 428 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 427. (Criminal Code, section 252.) Serving on vessels in slave trade.**

Whoever, being a citizen of the United States, or other person residing therein, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another shall be fined not more than \$2,000 and imprisoned not more than two years. (Mar. 4, 1909, ch. 321, § 252, 35 Stat. 1139.)

DERIVATION

R. S. §§ 5331, 5382, which were revised from act May 10, 1800, ch. 51, §§ 2, 3, 2 Stat. 70, 71 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 428. (Criminal Code, section 253.) Receiving or carrying away person to be sold or held as slave.**

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to any other place to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person with the intent that he may be so held or sold as a slave, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (Mar. 4, 1909, ch. 321, § 253, 35 Stat. 1139.)

DERIVATION

R. S. § 5524, which was revised from act May 21, 1860, ch. 86, 14 Stat. 60 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 429. (Criminal Code, section 254.) Equipping vessel for slave trade; forfeiture; moiety to informer.**

No person shall, for himself or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the United States, for the purpose of procuring any person from any foreign kingdom, place, or country to be transported to any port or place whatsoever to be held, sold, or otherwise disposed of as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States and the other to the use of the person who sues for the forfeiture and prosecutes the same to effect. (Mar. 4, 1909, ch. 321, § 254, 35 Stat. 1140.)

DERIVATION

R. S. § 5551, which was revised from acts Apr. 20, 1818, ch. 91, 3 Stat. 451; Mar. 22, 1794, ch. 11, 1 Stat. 347 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 430. (Criminal Code, section 255.) Same; penalty; moiety to informer.**

Whoever so builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of section 429 of this title, or in any way aids or abets therein, shall, besides the forfeiture of the vessel, pay the sum of \$2,000; one moiety thereof to the use of the United States and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect. (Mar. 4, 1909, ch. 321, § 255, 35 Stat. 1140.)

DERIVATION

R. S. § 5552, which was revised from act Mar. 22, 1794, ch. 11, 1 Stat. 349 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

**§ 431. (Criminal Code, section 256.) Forfeiture of vessels transporting slaves; moiety to informer.**

Every vessel employed in carrying on the slave trade or on which is received or transported any person from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with

her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for and prosecutes the forfeiture to effect. (Mar. 4, 1909, ch. 321, § 256, 35 Stat. 1140.)

## DERIVATION

R. S. § 5553, which was revised from acts Apr. 20, 1818, ch. 91, 3 Stat. 451; May 10, 1800, ch. 51, 2 Stat. 71, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 432. (Criminal Code, section 257.) Receiving persons on board to be sold as slaves; penalty; moiety to informer.

Whoever, being a citizen of the United States, takes on board, receives, or transports any person for the purpose of selling such person as a slave shall, in addition to the forfeiture of the vessel, pay for each person so received on board or transported the sum of \$200, to be recovered in any court of the United States; the one moiety thereof to the use of the United States and the other moiety to the use of the person who sues for and prosecutes the same to effect. (Mar. 4, 1909, ch. 321, § 257, 35 Stat. 1140.)

## DERIVATION

R. S. § 5554, which was revised from act Mar. 22, 1794, ch. 11, 1 Stat. 349, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 433. (Criminal Code, section 258.) Vessels found hovering on coasts forfeited.

Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coasts thereof, and having on board any person, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States. (Mar. 4, 1909, ch. 321, § 258, 35 Stat. 1140.)

## DERIVATION

R. S. § 5555, which was revised from act Mar. 2, 1807, ch. 22, 2 Stat. 428, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 434. (Criminal Code, section 259.) Forfeiture of interest in slave vessels; additional penalty.

It shall be unlawful for any citizen of the United States, or other person residing therein, or under the jurisdiction thereof, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited and may be libeled and condemned for the use of the person suing for the same. Whoever shall violate the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves which at any time may be transported or carried in such vessels. (Mar. 4, 1909, ch. 321, § 259, 35 Stat. 1140.)

## DERIVATION

R. S. § 5556, which was revised from act May 10, 1800, ch. 51, 2 Stat. 70, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 435. (Criminal Code, section 260.) Seizure of vessels in slave trade.

The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making<sup>1</sup> to carry on the slave trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any person, in violation of the provisions of any Act of Congress prohibiting the traffic in slaves. (Mar. 4, 1909, ch. 321, § 260, 35 Stat. 1140.)

<sup>1</sup> So in original.

## DERIVATION

R. S. § 5557, which was revised from acts May 10, 1800, ch. 51, 2 Stat. 71; Mar. 2, 1807, ch. 22, 2 Stat. 428; Mar. 3, 1819, ch. 101, 3 Stat. 532 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 436. (Criminal Code, section 261.) Proceeds of condemned vessels paid into Treasury.

The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be paid into the Treasury of the United States. (Mar. 4, 1909, ch. 321, § 261, 35 Stat. 1141.)

## DERIVATION

R. S. § 5558, which was revised from acts May 10, 1800, ch. 51, 2 Stat. 71; Mar. 2, 1807, ch. 22, 2 Stat. 428; Mar. 3, 1819, ch. 101, 3 Stat. 532 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

Prize money having been abolished by act of Mar. 3, 1899, ch. 413, § 13, 30 Stat. 1007, the section was changed to provide that the proceeds of captured vessels shall be paid into the Treasury of the United States.

R. S. § 5562, act of Mar. 3, 1819, ch. 101, 3 Stat. 533, was repealed by section 341 of act Mar. 4, 1909, but its provisions were not incorporated in the Code, possibly because of the abolition of prize money as heretofore noted. It read as follows:

"Sec. 5562. A bounty of twenty-five dollars shall be paid to the officers and crews of the commissioned vessels of the United States, or revenue-cutters for each negro, mulatto, or person of color, who may be, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive such person; and the Secretary of the Treasury is required to pay or cause to be paid, to such officers and crews, or their agent, such bounty for each person so delivered."

§ 437. (Criminal Code, section 262.) Disposal of persons found on seized vessel.

The officers of the vessel making such seizure shall safely keep every person found on board of any vessel so seized, taken, or brought into port for condemnation, and shall deliver every such person to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by

law, transmitting to the President, as soon as may be after such delivery, a descriptive list of such persons, in order that he may give directions for the disposal of them. (Mar. 4, 1909, ch. 321, § 262, 35 Stat. 1141.)

DERIVATION

R. S. § 5559, which was revised from act Mar. 3, 1819, ch. 101, 3 Stat. 532 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 438. (Criminal Code, section 263.) Apprehension of officers and crew.

The commanders of such commissioned vessels shall cause to be apprehended and taken into custody every person found on board of such offending vessel so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law. (Mar. 4, 1909, ch. 321, § 263, 35 Stat. 1141.)

DERIVATION

R. S. § 5560, which was revised from acts Mar. 3, 1819, ch. 101, 3 Stat. 532; May 10, 1800, ch. 51, 2 Stat. 71 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 439. (Criminal Code, section 264.) Removal of persons delivered from seized vessel.

The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such persons as may be so delivered and brought within its jurisdiction. (Mar. 4, 1909, ch. 321, § 264, 35 Stat. 1141.)

DERIVATION

R. S. § 5561, which was revised from act Mar. 3, 1819, ch. 101, § 2, 3 Stat. 533, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 440. (Criminal Code, section 265.) To what port captured vessel sent.

It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, or District to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States. (Mar. 4, 1909, ch. 321, § 265, 35 Stat. 1141.)

DERIVATION

R. S. § 5563, which was revised from act Mar. 3, 1819, ch. 101, 3 Stat. 534 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 441. (Criminal Code, section 266.) When owners of foreign vessels shall give bond.

Every owner, master, or factor of any foreign vessel clearing from any port within the jurisdiction of the United States, and suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States that none of the natives of any foreign country or place shall be taken on board such vessel to be transported or sold as slaves in any other foreign port or place whatever,

within nine months thereafter. (Mar. 4, 1909, ch. 321, § 266, 35 Stat. 1141.)

DERIVATION

R. S. § 5564, which was revised from act Mar. 22, 1794, ch. 11, 1 Stat. 349 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 442. (Criminal Code, section 267.) Instructions to masters of armed vessels.

The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the country from which they were taken, and there hand over to the agent of the United States all such persons, delivered from on board vessels seized in the prosecution of the slave trade; and they shall afterwards bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication. (Mar. 4, 1909, ch. 321, § 267, 35 Stat. 1141.)

DERIVATION

R. S. § 5567, which was revised from act June 16, 1860, ch. 136, 12 Stat. 41 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 443. (Criminal Code, section 268.) Kidnaping.

Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than \$5,000, or imprisoned not more than five years, or both. (Mar. 4, 1909, ch. 321, § 268, 35 Stat. 1141.)

DERIVATION

R. S. § 5525, which was revised from act May 21, 1866, ch. 86, 14 Stat. 50, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 444. (Criminal Code, section 269.) Holding or returning persons to peonage.

Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than \$5,000, or imprisoned not more than five years, or both. (Mar. 4, 1909, ch. 321, § 269, 35 Stat. 1142.)

DERIVATION

R. S. § 5526, which was revised from act Mar. 2, 1867, ch. 167, 14 Stat. 546, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 445. (Criminal Code, section 270.) Same; obstructing enforcement of law.

Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of section 444 of this title, shall be liable to the penalties therein prescribed. (Mar. 4, 1909, ch. 321, § 270, 35 Stat. 1142.)

## DERIVATION

R. S. § 5527, which was revised from act Mar. 2, 1867, ch. 187, 14 Stat. 546, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 446. (Criminal Code, section 271.) Bringing kidnaped person into United States.

Whoever shall knowingly and willfully bring into the United States or any place subject to the jurisdiction thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than \$5,000 and imprisoned not more than five years. (Mar. 4, 1909, ch. 321, § 271, 35 Stat. 1142.)

## DERIVATION

Act June 23, 1874, ch. 464, § 1, 13 Stat. 251, which was repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

# Chapter 11.—OFFENSES WITHIN ADMIRALTY, MARITIME, AND TERRITORIAL JURISDICTION OF UNITED STATES

## Sec.

- 451. Places and waters applicable; on board American vessel on high seas or Great Lakes; on land under exclusive control of United States; guano islands.
- 452. Murder; first degree; second degree.
- 453. Manslaughter; voluntary; involuntary.
- 454. Punishment; murder; manslaughter.
- 455. Felonious assaults; to murder or rape; other felony; with weapons; beating; simple assault.
- 456. Other attempts at murder.
- 457. Rape.
- 458. Carnal knowledge of female under sixteen.
- 459. Seduction of female passenger on vessel.
- 460. Disposal of fine; evidence required.
- 461. Loss of life by misconduct of officers of vessels; liability of corporation officer.
- 462. Maiming.
- 463. Robbery.
- 464. Arson of dwelling house.
- 465. Arson of other buildings.
- 466. Larceny; determining value of written instrument.
- 467. Receiving stolen goods; trials.
- 467a. Obtaining or selling evidences of indebtedness on the high seas fraudulently or by false pretenses.
- 468. Laws of States adopted for punishing wrongful acts; effect of repeal.
- 469. Stowing away on vessels; penalty.
- 470. Same; aiding and abetting stowaways; penalty.
- 471. Same; effect on immigration laws.

§ 451. (Criminal Code, section 272.) Places and waters applicable; on board American vessel on high seas or Great Lakes; on land under exclusive control of United States; guano islands.

The crimes and offenses defined in sections 451-468 of this title shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belong-

ing in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River Saint Lawrence where the same constitutes the international boundary line.

Third. When committed within or on any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States. (Mar. 4, 1909, ch. 321, § 272, 35 Stat. 1142; June 11, 1940, ch. 323, 54 Stat. 304.)

## AMENDMENT

Paragraph Third was amended by act June 11, 1940, cited to text, which inserted "or concurrent" after "exclusive" and before "jurisdiction" and omitted "exclusive" before "use of the United States."

## SIMILAR PROVISIONS

R. S. §§ 5339, 5372, which were repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

Act Sept. 4, 1890, ch. 874, 26 Stat. 424.

§ 452. (Criminal Code, section 273.) Murder; first degree; second degree.

Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree. (Mar. 4, 1909, ch. 321, § 273, 35 Stat. 1143.)

## DERIVATION

R. S. § 5339, which was revised from acts Apr. 30, 1700, ch. 9, 1 Stat. 113; Mar. 3, 1825, ch. 65, 4 Stat. 115 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 453. (Criminal Code, section 274.) Manslaughter; voluntary; involuntary.

Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. (Mar. 4, 1909, ch. 321, § 274, 35 Stat. 1143.)